

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63911 of 2025

Arising Out of PS. Case No.-70 Year-2024 Thana- SAHJAHANPUR District- Patna

Shivam Kumar Son of Mannu Prasad @ Munnu Prasad Resident of Village
-Sarhua PS -Shahjahanpur District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Resident of Village -Sarhua PS
-Shahjahanpur District -Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

310-10-2025

Heard learned counsel for the petitioner and Mr. Ram
Anurag Singh, learned APP for the State.

2. Learned counsel for the petitioner has submitted that earlier the bail application of this petitioner was rejected by this Court vide order dated 27.01.2025 with the liberty to renew the prayer for bail after six months. Learned counsel for the petitioner has submitted that more than six months have elapsed.

3. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 376 and 457 of the Indian Penal Code and under Sections 25(1-b)a and 26 of the Arms Act.

4. The case of the prosecution is that at 11 P.M., someone knocked the door of the informant. When she opened



the door and she found that the petitioner entered into the house and gagged her mouth and committed rape on gun point. Anyhow she escaped and came out from the room. She further called 112, police arrived and arrested this petitioner.

5. Learned counsel for the petitioner has submitted that during investigation, the statement of the victim was recorded under Section 161 Cr.P.C. wherein she has stated that she was having affair outside marriage with the petitioner and she wanted to marry this petitioner, though in her statement under Section 164 Cr.P.C. she has supported the factum of rape. Learned counsel for the petitioner has submitted from perusal of the Medical Report it is clear that the Doctors found no injury marks seen over any body part and no injury marks seen over private parts. Learned counsel for the petitioner submits that the medical report does not support the allegation. Moreover, the petitioner is in custody since 04.06.2024 having no criminal antecedent.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail to the petitioner.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be released on bail in connection with
Shahjahanpur P.S. Case No. 70 of 2024 on furnishing bail bond
of Rs.10,000/- (Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned Additional District
and Sessions Judge-XXII, Patna.

(Ashok Kumar Pandey, J)

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